

REMARKS

Claims 1-20 are pending in this application. By this Amendment, claims 1-3, 5, 8-10, 12, 15, 16 and 18-20 are amended. The amendments introduce no new matter because they are made to correct informalities. Reconsideration of the application based on the above amendments and the following remarks is respectfully requested.

Applicant appreciates the courtesies shown to Applicant's representative by Examiner Arthur-Jeanglaude during the December 28, 2005 personal interview. Applicant's separate record of a summary of the substance of the personal interview is included in the following remarks. Specifically, claims 1, 9 and 16 are amended based on the very helpful comments provided by the Examiner during the personal interview.

The Office Action, on page 2, rejects claim 2 under 35 U.S.C. §112, second paragraph, as being indefinite. Specifically, one of the features recited in claim 2 is deemed to be unclear. Claim 2 is amended to obviate the rejection.

Accordingly, reconsideration and withdrawal of the rejection of claim 2 under 35 U.S.C. §112, second paragraph, are respectfully requested.

The Office Action, on page 2, rejects claims 1-7, 9-14 and 16-19 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 6,269,307 to Shinmura et al. (hereinafter "Shinmura"). The Office Action, on page 4, rejects claims 8, 15 and 20 under 35 U.S.C. §103(a) as being unpatentable over Shinmura in view of U.S. Patent Application Publication No. US 2002/0075139 to Yamamoto et al. (hereinafter "Yamamoto"). These rejections are respectfully traversed.

Shinmura teaches a travel safety system for a vehicle that is designed to prevent a vehicle from coming into contact with an on-coming vehicle by use of an object detecting means such as a radar device (col. 1, lines 6-9). Shinmura provides a system objects of which are (1) to provide a means for determination of the possibility of contact between the vehicle

in which the system is mounted and an on-coming vehicle immediately upon detection of the on-coming vehicle; (2) to carry out contact avoiding control as the vehicles approach each other; (3) to provide automatic steering to avoid contact of the vehicle with the on-coming vehicle; and (4) to leave a margin for controlling vehicle behavior by spontaneous steering operation by a driver (col. 2, lines 27-51). In Shinmura, a collision preventing effect is undertaken by an automatic steering operation to prevent contacts with an on-coming vehicle by providing some margin of automatic steering thereby limiting the full range of operation of the vehicle. With reference to Fig. 6, for example, step S11 detects the state of the vehicle in which the Shinmura system is mounted, and step S12 detects the state of an on-coming vehicle. In each case, the detected states can only reasonably be considered to be the actual state of the host vehicle and the on-coming vehicle. The system in Shinmura then undertakes control of the host vehicle based on these detected states of the separate vehicles.

Claim 1 recites, and, with slight variation, claims 9 and 16 recite, among other features, a vehicle behavior control system comprising a controller that (1) obtains a normal vehicle state value based on an operation amount of a vehicle operating member performed by a vehicle operator, (2) obtains an actual vehicle state value, and (3) controls a vehicle behavior based on the actual vehicle state value and the normal vehicle state value. The "normal" vehicle state and the "actual" vehicle state values recited in the claims both relate to the vehicle within which the system that is the subject matter for pending claims is mounted. In other words, there is no reference to any state of another vehicle by which the controller executes any control.

For at least this reason, Shinmura cannot reasonably be considered to teach, or even to have suggested, the combinations of all of the features varyingly recited in independent claims 1, 9 and 16. Further, Shinmura neither teaches, nor would it have suggested, the combinations of features recited in claims 2-7, 10-14, and 17-19 for at least the respective

dependence of these claims directly or indirectly on independent claims 1, 9 and 16, as well as for the separately patentable subject matter that each of these claims recites. Additionally, Yamamoto does not overcome the above-identified shortfall in the application of Shinmura to the subject matter of claims 1, 9 and 16. As such, claims 8, 15 and 20 would not have been suggested by a combination of Shinmura and Yamamoto for at least the respective dependence of these claims indirectly on independent claims 1, 9 and 16, as well as for the separately patentable subject matter that each of these claims recites.

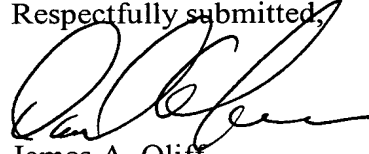
Accordingly, reconsideration and withdrawal of the rejections of claims 1-20 under 35 U.S.C. §102(b) as being anticipated by Shinmura, or under 35 U.S.C. §103(a) as being unpatentable over Shinmura in view of Yamamoto, are respectfully requested.

Applicant's representative presented the above arguments regarding the Shinmura reference to Examiner Arthur-Jeanglaude during the December 28 personal interview. The Examiner did not rebut any of Applicant's substantive arguments. The Examiner indicated that she would further consider the amended claim language upon the filing of a formal response and would perform an updated search at that time.

In view of the foregoing, Applicant respectfully submits that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 1-20 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact Applicant's undersigned representative at the telephone number set forth below.

Respectfully submitted,



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